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MS AF  
RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1644

PATENT  
0147-0189P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Rainer FISCHER et al. Conf.: 1798  
Appl. No.: 09/419,788 Group: 1644  
Filed: October 18, 1999 Examiner: M.E. Jamroz  
For: MOLECULAR PATHOGENICIDE MEDIATED PLANT  
DISEASE RESISTANCE

RECEIVED  
JUL 31 2003  
TECH CENTER 1600/2900

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JUL 30 2003  
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NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

**MS AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 28, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 28, 2003 of the Primary Examiner finally rejecting claims 1-12, 14, 18-20 and 41-43.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ The extension of three (3) month(s) for responding to the Final Rejection was previously requested and paid for on July 25, 2003.

Appl. No. 09/419,788

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$320.00

☐ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$320.00.

Payment of the above TOTAL FEE is being made in the following manner:


☒ Check(s) in the amount of \$320.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

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GMM/csm  
0147-0189P

(Rev. 04/30/03)